

REMARKS

The specification and claims have been carefully reviewed in the light of the Examiner's restriction requirement set forth in the Office Action mailed December 12, 2002.

Reconsideration and withdrawal of the requirement of restriction is respectfully requested. The Examiner has required applicant to elect for prosecution:

- Group I, claims 1-2 and 7-8, drawn to an oil-in-water emulsion composition comprising a booster compound and retinoid ester, classified in class 514, subclasses 453, 764, 455, 588, 385, 332, 460.
- Group II, claims 3-6 and 9-12, drawn to methods of providing skin care by applying the composition in Group I, classified in class 514, subclasses 453, 764, 453, 588, 385, 322, 460.

The respective claims are classified in the same classes and subclasses, and it is respectfully submitted that only a single search would be appropriate and, accordingly, the Patent Office should consider both inventions together.

Applicants traverse the requirement to provisionally elect a single species. In the interest of progressing the prosecution of this case to issue without delay, applicants elect the booster compound from Class B5, **climbazole**, without prejudice.

While the requirement of restriction and election is traversed, and reconsideration requested, applicant has elected Group I, claims 1-2 and 7-8 and the booster climbazole to be examined.

Respectfully submitted,

  
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